

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>1. MARLON BAKER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 20-cv-00625-CVE-CDL</b>
	)	
<b>1. CHEROKEE NATION</b>	)	
<b>ENTERTAINMENT, LLC d/b/a HARD</b>	)	
<b>ROCK HOTEL &amp; CASINO TULSA</b>	)	
	)	
<b>Defendant.</b>	)	

**COMPLAINT**

**COMES NOW** the Plaintiff Marlon Baker, by and through his attorney of record Mark L. Edwards of The Mark Edwards Law Firm, and for his cause of action against the Defendant, Cherokee Nation Entertainment, LLC d/b/a Hard Rock Hotel & Casino Tulsa, alleges and states as follows:

**I. JURISDICTION**

1. This is an action for damages resulting from personal injury arising from negligence that occurred or on or about December 1, 2019, near the City of Catoosa, Rogers County, State of Oklahoma.
2. Jurisdiction of this Court is founded upon 28 U.S.C. Section 1331, based on Federal Question Jurisdiction, in that Defendant is a Native American Tribe whose ability to run a casino is granted pursuant to Federal laws and/or treaties of the United States.
3. Venue of this Court is invoked pursuant to 28 U.S.C. section 1391(b)(2) in that the event giving rise to this claim occurred near the City of Catoosa, Rogers County, State of Oklahoma which is located within the Northern District of Oklahoma.

## **II. PARTIES**

4. That the Plaintiff in this action is:

a. Marlon Baker - is a resident of Broken Arrow, Tulsa County, State of Oklahoma.

5. That the Defendant in this action is:

a. Cherokee Nation Entertainment, LLC is a corporation operating a business entity operating called Hard Rock Hotel and Casino Tulsa in Catoosa, Rogers County, State of Oklahoma.

## **III. FACTS**

6. On or about December 1, 2019, Plaintiff Marlon Baker was a guest at Cherokee Nation Entertainment, LLC d/b/a Hard Rock Hotel & Casino Tulsa in Catoosa, Oklahoma.

7. That during his visit, he was struck by an employee utilizing a cleaning apparatus.

8. As a result of this incident, Mr. Baker sustained an injury to his right knee which required surgery.

9. As a result of his injury Mr. Baker has endured and will endure physical pain and suffering, emotional pain and suffering, has incurred and will incur lost wages, medical expenses and has received permanent injury.

## **IV. COUNT I – Negligence**

10. Plaintiff hereby incorporates paragraphs one through nine above.

11. Defendant had a duty to properly and safely clean its floors and to properly operate its cleaning machines.

12. Defendant breached its duty by failing to avoid contact with Mr. Baker while using its cleaning machine.

13. Defendant's breach caused Plaintiff's injuries as described in paragraphs 8 and 9 above.

**WHEREFORE**, based upon Defendant's negligence, Plaintiff prays for all damages described above in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars and all other relief to which he is entitled.

**COUNT II – Premises Liability**

14. Plaintiff hereby incorporates paragraphs one through thirteen above.

15. That the Plaintiff was an invitee on Defendant's premises.

16. As an invitee, Defendant owed Plaintiff a duty to use ordinary care to keep its premises in a reasonably safe condition for the use of Plaintiff.

17. It was Defendant's duty to either remove and/or warn Plaintiff of any hidden danger that the Defendant actually knew about, or should know about in the exercise of reasonable care, or that was created by Defendant's employees.

18. Defendant breached its duty to Plaintiff by failing to remove the danger and/or failing to warn Plaintiff of said danger, the danger being Defendant's cleaning machine.

19. As a result of Defendant's breach, Plaintiff was injured as stated in paragraphs 8 and 9 above.

**WHEREFORE**, based upon Defendant's negligence, Plaintiff prays for all damages described above in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars and all other relief to which he is entitled.

Respectfully Submitted,

**THE MARK EDWARDS LAW FIRM**

**JURY LIEN DEMAND RESERVED  
ATTORNEY LIEN CLAIMED**

//s// Mark L. Edwards

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*Attorney for Plaintiff*